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*Counsel for Defendants and Counterclaimant*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

FRED HOLABIRD, an Individual,  
Plaintiffs,

vs.

DONALD H. KAGIN, an individual;  
KAGIN'S INC., a California corporation;  
ADAM KAGIN, an individual;  
HOLABIRD-KAGIN AMERICANA, INC.,  
a California corporation; BLACK  
CORPORATIONS 1-5; AND JOHN DOES  
1-5,  
Defendants.

Case No. 3:14-cv-00262-HDM-CBC

ORDER GRANTING

**STIPULATION AND ORDER  
FOR SATISFACTION OF  
JUDGMENT AND RELEASE  
OF SUPERSEDEAS BOND**

KAGIN'S INC., a California corporation,  
Counterclaimant,

vs.

FRED HOLABIRD,  
Counter-Defendant.

Plaintiff Fred Holabird ("Plaintiff") and Defendants Donald Kagin, Kagin's, Inc. ("Kagin's"), Adam Kagin, and Holabird-Kagin Americana, Inc. ("HKA") (collectively, "Defendants"), by and through their undersigned counsel, hereby stipulate as follows:

1. U.S. Specialty Insurance Company is authorized and directed to deliver to counsel for Plaintiff Fred Holabird a settlement payment to Mr. Holabird in the amount of \$615,000 on or before October 27, 2020;

2. Upon delivery, receipt, and negotiation of the payment prescribed by paragraph 1 above, full satisfaction is hereby acknowledged on the Judgment in a Civil Case (ECF No. 250) entered in the above-entitled action on April 17, 2019 in favor of Plaintiff, above-named, and against Defendants, above-named; and any and all liens as to such Judgment in a Civil Case are hereby released; and Plaintiffs do hereby authorize and direct the Clerk of the above-entitled Court to enter full satisfaction of said Judgment in a Civil Case;

3. Upon delivery, receipt and negotiation of the payment prescribed by paragraph 1 above, the Undertaking for Appeal in this matter (ECF No. 261-1) is hereby released and discharged and exonerated;

4. Defendants hereby waive any further rights of appeal or appellate petitions or motions relating to the Judgment in a Civil Case; and

5. Plaintiff and Defendants agree to bear their own attorneys' fees and costs on appeal, and Plaintiff specifically waives any and all rights to file an application for attorneys' fees and costs on appeal pursuant to the Memorandum Decision of the Ninth Circuit Court of Appeals dated October 6, 2020 in (No. 43-1) in Appeal No. 19-15982.

DATED this 19th day of October, 2020.

BOWEN HALL  
Counsel for Plaintiff and Counterdefendant

By: /s/ Dan C. Bowen  
DAN C. BOWEN  
5470 Kietzke Ln, Suite 300  
Reno, NV 89511

DATED this 19th day of October, 2020.

LAW OFFICES OF JERRY CARTER, P.C. dba SIERRA  
CREST BUSINESS LAW GROUP  
Counsel for Defendants and Counterclaimant

By: /s/ Jerry C. Carter  
JERRY C. CARTER  
691 Sierra Rose Drive, Suite B  
Reno, NV 89511

**ORDER**

Based on the Stipulation of the Parties, and good cause appearing, it is hereby ordered as follows:

1. U.S. Specialty Insurance Company is authorized and directed to deliver to counsel for Plaintiff Fred Holabird a settlement payment to Mr. Holabird in the amount of \$615,000 on or before October 27, 2020;

2. Upon delivery, receipt and negotiation of the payment prescribed by paragraph 1 above, full satisfaction is hereby acknowledged on the Judgment in a Civil Case (ECF No. 250) entered in the above-entitled action on April 17, 2019 in favor of Plaintiff, above-named, and against Defendants, above-named; and any and all liens as to such Judgment in a Civil Case are hereby released; and Plaintiffs do hereby authorize and direct the Clerk of the above-entitled Court to enter full satisfaction of said Judgment in a Civil Case;

3. Upon delivery, receipt and negotiation of the payment prescribed by paragraph 1 above, the Undertaking for Appeal in this matter (ECF No. 261-1) is hereby released and discharged and exonerated;

4. Defendants hereby waive any further rights of appeal or appellate petitions or motions relating to the Judgment in a Civil Case;

5. Plaintiff and Defendants agree to bear their own attorneys' fees and costs on appeal, and Plaintiff specifically waives any and all rights to file an application for attorneys' fees and costs on appeal pursuant to the Memorandum Decision of the Ninth Circuit Court of Appeals dated October 6, 2020 in (No. 43-1) in Appeal No. 19-15982.

Dated this 21st day of October, 2020.



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UNITED STATES DISTRICT JUDGE